

**IN THE UNITED STATES DISTRICT COURT
FOR IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

Civil Action No. 1:07CV00407

MICHAEL L. CARVER, DONALD COOK,
BRANDON FISHER, JAMES MATTHEW
LEVI, ERIC MARX, TED EDWARD RICE,
JAYSON ALEXANDER RICHARDSON, and
ANGELA SURRATT, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

VELOCITY EXPRESS CORPORATION;
VELOCITY EXPRESS, INC.; VELOCITY
EXPRESS SOUTHEAST, INC.; VELOCITY
EXPRESS LEASING, INC.; VELOCITY
EXPRESS LEASING SOUTHEAST, INC.;
VELOCITY EXPRESS MID-ATLANTIC,
INC.; and JOHN DOE VELOCITY EXPRESS
PLAN ADMINISTRATOR

Defendants.

**THE PARTIES' CERTIFICATION AND REPORT OF INITIAL ATTORNEYS'
CONFERENCE AND REQUEST FOR INITIAL PRETRIAL CONFERENCE**

1. **Certification of Conference.** Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(A), the Initial Attorneys Conference was held by telephone on March 7, 2008 and concluded on March 14, 2008. The conference was conducted by Edward T. Hinson, Sr., Preston O. Odom III, and John P. Davis, counsel for Plaintiffs, Stephen D. Dellinger and Brian S. Clarke, counsel for Defendants, in the above-captioned case.

2. **Outcome of Initial Attorneys Conference.** During the IAC, the parties discussed the scope and nature of discovery needed in this action and made a good faith effort to resolve their differences. However, the parties continue to disagree on the nature and scope of

discovery in this action. Therefore, the parties respectfully request an Initial Pretrial Conference with the Court pursuant to Local Rule 16.1(G).

3. **Discovery Plan.**

The parties will submit separate proposed discovery plans and any briefs in support of their respective positions at least one week prior to the date set by the Court for the IPC.

4. Please identify any other matters regarding discovery or case management which may require the Court's attention:

None.

Dated this the 14th day of March, 2008.

/s/ John Parke Davis

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on **March 14, 2008**, I electronically filed the foregoing **THE PARTIES' CERTIFICATION AND REPORT OF INITIAL ATTORNEYS' CONFERENCE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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